

PATENT APPLICATION
Docket: 2408.3775US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gregory N. Nordgren

For: CATHETER WITH VALVED DISTAL TIP

) Art Unit
3763

Serial No.: 09/542,503

Filing Date: April 3, 2000

Examiner: Anh Tuan Nguyen

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

Transmitted herewith pursuant to 37 C.F.R. §1.97 for filing relative to the above-captioned United States patent application is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. §1.98:

- Statement of relevance of selected cited references not in the English language which are not translated.
- Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. §120.

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A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. §1.98:

- Form PTO-1449 listing seventy-seven (77) references submitted for consideration.
- Copies of seventy-seven (77) of the references listed on the Form PTO-1449. The references are compiled in a set of two (2) loose-leaf notebooks numerically tabulated to correspond to the reference number of each in the above-mentioned Form PTO-1449. The notebooks include a Table of Contents for the entire set of references.
- Specimens constituting _____ () of the references listed on the Form PTO-1449.
- English translations of three (3) of the references listed on the Form PTO-1449 which are not in the English language.
- Copies of the following documents from the prosecution of a previous, related application:
 - Form PTO-1449 initialed by the Examiner; and
 - Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods;

- I. Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action, as confirmed in a telephone conference conducted by the undersigned on January 17, 2001, with the Technical Center 3700 Customer Service Desk. Accordingly, no materials other than those listed above are enclosed.
- II. Following the later of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed or authorized:
 - Promptness Certificate; or

The submission fee set forth in 37 C.F.R. §1.17 (p) in the amount of
_____ \$240.00 is one (1) of the following:

Enclosed in the form of Check No. _____; or

To be paid from the deposit account of the undersigned as
authorized in Section C below.

III. After the mailing of a final Office Action or a Notice of Allowance, but before
payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each
of the following are also enclosed or authorized:

Promptness Certificate;

Petition for Consideration; and

The petition fee set forth in 37 C.F.R. §1.17(i)(l) in the amount
of \$130.00 is one (1) of the following:

Enclosed in the form of Check No. _____; or

To be paid from the deposit account of the undersigned as
authorized in Section C below.

IV. After payment of the Issue Fee. Accordingly, in order to secure consideration thereof
in a continuation application, no Information Disclosure Statement, no Form PTO-
1449, and no copies of references are enclosed. Instead, each of the following are
enclosed or authorized:

Petition to Withdraw from Issue; and

The petition fee set forth in 37 C.F.R. §1.17(i)(l) in the amount
of \$130.00 is one (1) of the following:

Enclosed in the form of Check No. _____; or

To be paid from the deposit account of the undersigned as
authorized in Section C below.

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 20-1469.

- Any fee required in relation to filing of this letter or any documents transmitted therewith.
- The submission fee set forth in 37 C.F.R. §1.17(p) in the event that 37 C.F.R. §1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. §1.97(e)
- The submission fee set forth in 37 C.F.R. §1.17(p).
- The petition fee set forth in 37 C.F.R. §1.17(i)(l).
- Copies in duplicate of this letter are enclosed.

DATED this 18th day of January, 2001.

Respectfully submitted,



KENT S. BIRMINGHAM
Attorney for Applicant
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Docket: 2408.3775US

PATENT APPLICATION
Docket: 2408.3775US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF HAND DELIVERY

I certify that the correspondence listed below is being hand delivered to Group Art Unit 3763
on January 19, 2001.

Noreen A. Fabean
NOREEN A. FABEAN

Transmitted: Transmittal for Information Disclosure Statement (4 pages)
Information Disclosure Statement (9 pages)
Form PTO-1449 (5 pages)
Two (2) loose-leaf notebooks containing tabulated dividers, Table of Contents, and
copies of seventy-seven (77) references
Table of Contents (5 pages)
Postcard

Docket: 2408.3775US

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98(a)(1), transmitted herewith is a Form PTO-1449 containing a list of all patents, publications, or other references that have come to the attention of one or more of the individuals identified in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. § 102 or § 103, the transmitted list of references is disclosed in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56.

No representation is made that a specific search of office files or Patent Office records has been conducted, or that no better art exists. Nevertheless, the undersigned attorney of record

believes that the transmitted references constitute art that is the closest to the claimed invention taken in its entirety of which the undersigned is presently aware, and no art which is closer to the claimed invention taken in its entirety has been knowingly withheld.

The references listed on the transmitted Form PTO-1449 are below classified for the convenience of the Examiner in one of the following categories of references set forth for differing treatment in accordance with the subsections of 37 C.F.R. §1.98.

I. NEWLY CITED ENGLISH LANGUAGE REFERENCES

The following of the references listed on the transmitted Form PTO-1449 are in the English language and have not to the knowledge of the undersigned attorney been previously submitted to or cited by the United States Patent and Trademark Office:

1. United States Patent Documents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
1,719,428	07/02/29	Friedman
2,393,033	01/15/46	Ellinwood
2,616,429	11/04/52	Merenlender
3,020,913	02/13/62	Heyer
3,111,125	11/19/63	Schulte
3,131,712	05/05/64	Risley et al.
3,303,846	02/14/67	Ogle
3,525,357	08/25/70	Koreski
3,654,932	04/11/72	Newkirk et al.
3,734,126	05/22/73	Weaver

(continued)

1. United States Patent Documents (continued)

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
3,799,172	03/26/74	Szpur
3,865,666	02/11/75	Shoney
3,885,561	05/27/75	Cami
3,888,249	06/10/75	Spencer
3,995,617	12/07/76	Watkins et al.
4,003,398	01/18/77	Duveau
4,029,104	06/14/77	Kerber
4,143,853	03/13/79	Abramson
4,240,434	12/23/80	Newkirk
4,327,722	05/04/82	Groshong et al.
4,341,239	07/27/82	Atkinson
4,431,426	02/14/84	Groshong et al.
4,434,810	03/06/84	Atkinson
4,475,898	10/09/84	Brodner et al.
4,529,399	07/16/85	Groshong et al.
4,549,879	10/29/85	Groshong et al.
4,559,046	12/17/85	Groshong et al.
4,601,697	07/22/86	Mammolenti et al.
4,657,536	04/14/87	Dorman
4,671,796	06/09/87	Groshong et al.
4,685,905	08/11/87	Jeanneret nee Aab
4,701,166	10/20/87	Groshong et al.
4,737,152	04/12/88	Alchas

(continued)

1. United States Patent Documents (continued)

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
4,753,640	06/28/88	Nichols et al.
4,973,319	11/27/90	Melsky
4,995,863	02/26/91	Nichols et al.
5,000,745	03/19/91	Guest et al.
5,004,455	04/02/91	Greenwood et al.
5,030,210	07/09/91	Alchas
5,084,015	01/28/92	Moriuchi
5,085,635	02/04/92	Cragg
5,112,301	05/12/92	Fenton, Jr. et al.
5,147,318	09/15/92	Hohn
5,147,332	09/15/92	Moorehead
5,160,325	11/03/92	Nichols et al.
5,163,921	11/17/92	Feiring
5,180,364	01/19/93	Ginsburg
5,190,524	03/02/93	Wex
5,215,527	06/01/93	Beck et al.
5,224,938	07/06/93	Fenton, Jr.
5,250,034	10/05/93	Appling et al.
5,261,885	11/16/93	Lui
5,267,979	12/07/93	Appling et al.
5,290,263	03/01/94	Wigness et al.
5,304,155	04/19/94	Lui
5,522,807	06/04/96	Luther

(continued)

1. United States Patent Documents (continued)

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
5,554,136	09/10/96	Luther
5,573,509	11/12/96	Thornton
5,738,666	04/14/98	Watson et al.
5,776,096	07/07/98	Fields
5,800,411	09/01/98	Nakada et al.
5,807,348	09/15/98	Zinger et al.
5,807,349	09/15/98	Person et al.
5,807,356	09/15/98	Finch, Jr. et al.
5,814,024	09/29/98	Thompson et al.
5,928,203	07/27/99	Davey et al.
5,984,903	11/16/99	Nadal
6,120,483	09/19/00	Davey et al.

2. Foreign Patent Documents

<u>Country</u>	<u>Document Number</u>	<u>Date</u>
Europe	191,154	08/20/86
Europe	328,332	08/16/89
Europe	351,864	01/24/90
Europe	864,336	09/16/98
France	2,707,505	01/20/95
Germany	3,724,978	02/09/89
Great Britain	727,959	04/13/55
PCT	WO 80/02230	10/30/80
PCT	WO 90/09204	08/23/90

3. Other References

-- none --

Pursuant to 37 C.F.R. §1.98(a)(2), a copy of each of the above-listed references is enclosed.

II. NEWLY CITED UNTRANSLATED REFERENCES NOT IN THE ENGLISH LANGUAGE

The following of the references listed on the transmitted Form PTO-1449 is not in the English language and has not to the knowledge of the undersigned attorney been previously submitted to or cited by the United States Patent and Trademark Office.

No English-language translation of the following references is, however, within the custody or confine or is readily available to any individual designated in 37 C.F.R. § 1.56(c).

Accordingly, pursuant to 37 C.F.R. §1.98(a)(2), a copy of the reference is enclosed, and a concise explanation of the understood relevance thereof is also provided below:

German Patent Publication No. 3,724,978 to Hans Imhof. The English abstract attached as the last page of this reference indicates that the reference discloses a catheter provided with a one-way check valve 2 at the distal end thereof. Check valve 2 is comprised of an elastic material configured as a cylindrical sleeve with one closed hemispherical tip. The opposite end of check valve 2 is secured to the exterior of the distal end of a catheter tube 1. A slit 12 through the hemispherical tip of check valve 2 permits the infusion of fluid from the interior of catheter tube 1 to the exterior of check valve 2.

III. COMMENT ON THE FORM IN WHICH COPIES OF THE
REFERENCES ARE BEING SUBMITTED

In view of the relatively substantial number of references listed above, the actual copies of those references are being submitted in a set of two (2) loose-leaf notebooks.

In the notebooks, the references are numerically tabulated, so that the number of each is the same as the reference number for each on the accompanying form PTO-1449.

Each of the notebooks includes a Table of Contents for the entire set of references.¹

It is respectfully hoped that the above-described form in which the actual copies of the identified references are submitted will facilitate an efficient evaluation thereof.

¹ For the completeness of the written record, submitted herewith is an extra copy of the Table of Contents for the notebooks separate and apart from the copies included in each of the notebooks.

In addition, it should be noted that among the references submitted the following are considered by the undersigned to be particularly relevant² to the general subject matter disclosed in the above-captioned application:

1. United States Patent Documents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>	PTO-1449 <u>Reference Identification</u> ³
4,973,319	11/27/90	Melsky	A35
5,030,210	07/09/91	Alchias	A39
5,261,885	11/16/93	Lui	A52
5,304,155	04/19/94	Lui	A55
5,522,807	06/04/96	Luther	A56
5,554,136	09/10/96	Luther	A57
5,928,203	07/27/99	Davey et al.	A66
5,984,903	11/16/99	Nadal	A67

2. Foreign Patent Documents

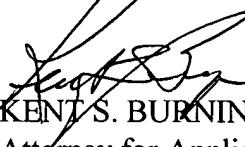
<u>Country</u>	<u>Document Number</u>	<u>Date</u>	PTO-1449 <u>Reference Identification</u> ³
France	2,707,505	01/20/95	A73
Great Britain	727,959	04/13/55	A75

² Other references may in the opinion of an Examiner be of greater relevance, depending upon the recitations of a claim relative to which patentability is being evaluated.

³ Corresponds to tab number of reference in accompanying notebooks of references.

DATED this 18th day of January, 2001.

Respectfully submitted,


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Docket: 2408.3775US

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JAN 19 2001 Att'y Docket No. 2408.3775US
 Group: 3763

TECHNOLOGY CENTER 3700

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A1	1,719,428	07/02/29	Friedman	604	105	05/21/27
_____ A2	2,393,033	01/15/46	Ellinwood	174	40	05/06/42
_____ A3	2,616,429	11/04/52	Merenlender	128	350	08/27/51
_____ A4	3,020,913	02/13/62	Heyer	128	350	07/15/58
_____ A5	3,111,125	11/19/63	Schulte	128	350	11/06/61
_____ A6	3,131,712	05/05/64	Risley et al.	137	318	05/12/60
_____ A7	3,303,846	02/14/67	Ogle	128	218	10/08/63
_____ A8	3,525,357	08/25/70	Koreski	137	516.11	11/18/68
_____ A9	3,654,932	04/11/72	Newkirk et al.	128	350 V	11/26/69
_____ A10	3,734,126	05/22/73	Weaver	137	512.15	06/16/71
_____ A11	3,799,172	03/26/74	Szpur	138	349 R	09/25/72
_____ A12	3,865,666	02/11/75	Shoney	156	245	05/08/73
_____ A13	3,885,561	05/27/75	Cami	128	214	08/12/74
_____ A14	3,888,249	06/10/75	Spencer	128	214 R	11/02/73
_____ A15	3,995,617	12/07/76	Watkins et al.	128	1 D	05/31/72
_____ A16	4,003,398	01/18/77	Duveau	137	512	03/17/75
_____ A17	4,029,104	06/14/77	Kerber	128	348	03/08/76
_____ A18	4,143,853	03/13/79	Abramson	251	149.1	07/14/77
_____ A19	4,240,434	12/23/80	Newkirk	128	350 V	10/10/78
_____ A20	4,327,722	05/04/82	Groshong et al.	128	214.4	08/20/79
_____ A21	4,341,239	07/27/82	Atkinson	137	493	07/14/80
_____ A22	4,431,426	02/14/84	Groshong et al.	604	280	10/03/80

Examiner:

Date Considered:

Applicant: Gregory N. Nordgren
 Serial No.: 09/542,503
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 For: CATHETER WITH VALVED DISTAL TIP

Att'y Docket No. 2408.3775US
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U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A23	4,434,810	03/06/84	Atkinson	137	493	05/24/82
_____ A24	4,475,898	10/09/84	Brodner et al.	604	9	04/26/82
_____ A25	4,529,399	07/16/85	Groshong et al.	604	53	05/03/83
_____ A26	4,549,879	10/29/85	Groshong et al.	604	247	05/03/83
_____ A27	4,559,046	12/17/85	Groshong et al.	604	282	07/28/83
_____ A28	4,601,697	07/22/86	Mammolenti et al.	604	43	12/07/84
_____ A29	4,657,536	04/14/87	Dorman	604	247	03/19/81
_____ A30	4,671,796	06/09/87	Groshong et al.	604	247	10/25/85
_____ A31	4,685,905	08/11/87	Jeanneret nee.Aab	604	247	05/19/86
_____ A32	4,701,166	10/20/87	Groshong et al.	604	247	10/02/86
_____ A33	4,737,152	04/12/88	Alchas	604	256	07/02/86
_____ A34	4,753,640	06/28/88	Nichols et al.	604	247	10/06/86
_____ A35	4,973,319	11/27/90	Melsky	604	247	05/10/89
_____ A36	4,995,863	02/26/91	Nichols et al.	604	247	02/25/88
_____ A37	5,000,745	03/19/91	Guest et al.	604	256	11/18/88
_____ A38	5,004,455	04/02/91	Greenwood et al.	604	43	07/17/89
_____ A39	5,030,210	07/09/91	Alchas	604	247	02/08/88
_____ A40	5,084,015	01/28/92	Moriuchi	604	96	05/15/89
_____ A41	5,085,635	02/04/92	Cragg	604	96	05/18/90
_____ A42	5,112,301	05/12/92	Fenton, Jr. et al.	604	30	06/19/91
_____ A43	5,147,318	09/15/92	Hohn	604	174	03/04/91
_____ A44	5,147,332	09/15/92	Moorehead	604	247	05/17/91
_____ A45	5,160,325	11/03/92	Nichols et al.	604	247	01/22/91
_____ A46	5,163,921	11/17/92	Feiring	604	247	10/04/90

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U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A47	5,180,364	01/19/93	Ginsburg	604	53	07/03/91
_____ A48	5,190,524	03/02/93	Wex	604	80	02/08/91
_____ A49	5,215,527	06/01/93	Beck et al.	604	164	12/12/91
_____ A50	5,224,938	07/06/93	Fenton, Jr.	604	247	03/18/92
_____ A51	5,250,034	10/05/93	Appling et al.	604	164	08/07/91
_____ A52	5,261,885	11/16/93	Lui	604	247	07/14/92
_____ A53	5,267,979	12/07/93	Appling et al.	604	247	07/21/92
_____ A54	5,290,263	03/01/94	Wigness et al.	604	247	07/27/92
_____ A55	5,304,155	04/19/94	Lui	604	247	07/12/93
_____ A56	5,522,807	06/04/96	Luther	604	264	09/07/94
_____ A57	5,554,136	09/10/96	Luther	604	264	02/27/95
_____ A58	5,573,509	11/12/96	Thornton	604	102	11/22/94
_____ A59	5,738,666	04/14/98	Watson et al.	604	264	07/10/96
_____ A60	5,776,096	07/07/98	Fields	604	43	06/06/96
_____ A61	5,800,411	09/01/98	Nakada et al.	604	280	09/06/96
_____ A62	5,807,348	09/15/98	Zinger et al.	604	246	05/15/97
_____ A63	5,807,349	09/15/98	Person et al.	604	247	03/10/97
_____ A64	5,807,356	09/15/98	Finch, Jr. et al.	604	284	10/04/95
_____ A65	5,814,024	09/29/98	Thompson et al.	604	246	11/27/96
_____ A66	5,928,203	07/27/99	Davey et al.	604	247	10/01/97
_____ A67	5,984,903	11/16/99	Nadal	604	256	12/11/96
_____ A68	6,120,483	09/19/00	Davey et al.	604	247	03/19/99

Examiner:

Date Considered:

Applicant: Gregory N. Nordgren
 Serial No.: 09/542,503
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Att'y Docket No. 2408.3775US
 Group: 3763

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publ. Date</u>	<u>Country or Patent Office</u>	<u>Sub Class</u>	<u>Class</u>	<u>Trans-lation</u>
_____ A69	191,154	08/20/86	Europe	A61M	25/00	Yes
_____ A70	328,332	08/16/89	Europe	A61M	25/00	N/A
_____ A71	351,864	01/24/90	Europe	A61M	25/00	Yes
_____ A72	864,336	09/16/98	Europe	A61M	25/00	N/A
_____ A73	2,707,505	01/20/95	France	A61M	25/00	Yes
_____ A74	3,724,978	02/09/89	Germany	A61M	5/14	No
_____ A75	727,959	04/13/55	Great Britain	81(2)	B23	N/A
_____ A76	WO 80/02230	10/30/80	PCT	A61M	5/00	N/A
_____ A77	WO 90/09204	08/23/90	PCT	A61M	25/00	N/A

Other Documents

(including author (if listed), title, relevant pages, date of publication including at least month and year).

-- none --

Examiner:

Date Considered:

Applicant: Gregory N. Nordgren
Serial No.: 09/542,503
Filing Date: April 3, 2000
For: CATHETER WITH VALVED DISTAL TIP

Att'y Docket No. 2408.3775US
Group: 3763

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1", "A2", etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A", "B", "C", etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PATENT APPLICATION
Docket: 2408.3775US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
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For: CATHETER WITH VALVED DISTAL TIP) Art Unit
) 3763
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Filing Date: April 3, 2000)
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Examiner: Anh Tuan Nguyen)

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References of Record
for
USSN 09/542,503
filed April 3, 2000
for
CATHETER WITH VALVED DISTAL TIP

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The notebooks to which this is attached contains copies of references made of record in the prosecution of the above-referenced application.

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USSN 09/542,503
filed April 3, 2000
for
CATHETER WITH VALVED DISTAL TIP

A. U.S. Patent Documents

<u>Tab No.</u>	<u>U.S. Patent No.</u>	<u>Inventor(s)</u>	<u>Date of Issue</u>
1	1,719,428	Friedman	07/02/29
2	2,393,033	Ellinwood	01/15/46
3	2,616,429	Merenlender	11/04/52
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